

**REMARKS**

**Amendments to the Claims**

Claims 1-22 are pending in the present application, with Claims 1, 8, 17, and 21 being independent. Applicants have amended Claims 1-10 herein. Applicants also have added new Claims 11-22 to provide an additional scope of protection commensurate with the original disclosure. No new matter has been added.

**Claim Rejections Under 35 U.S.C. § 101**

In the Office Action dated March 28, 2005, the Examiner rejected Claims 2 and 3 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Specifically, the Examiner stated that those claims recite a human being within their scope. In response, Applicants have amended Claims 2 and 3 to recite specific client computer components that form a part of the claimed system. Accordingly, Applicants submit that the rejection under 35 U.S.C. § 101 should be withdrawn.

**Claim Rejections Under 35 U.S.C. § 112, second paragraph**

In the Office Action, the Examiner rejected Claims 4-7 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner stated that the claimed budgeting, financing, and forecasting modules recited in Claim 4 did not relate to the valuation program module. Claims 5-7 were rejected for depending on Claim 4.

In response, Applicants have amended Claim 4 to remove the reference to the “modules for budgeting, financing, and forecasting of property payments for real estate property.” Thus, Claim 4 now recites only a module for a property valuation tool. Applicants respectfully note that the remaining program module for the property valuation tool does “relate to the valuation program module which calculates a valuation for the real estate property based upon the predetermined information input at the client computers,” as stated by the Examiner in the Office

Action. Accordingly, Applicants submit that the rejection under 35 U.S.C. § 112, second paragraph, should be withdrawn.

Applicants have added new Claim 16, which depends from Claim 1 and recites a financing program module for creating a loan application for financing the selected real estate property, wherein the loan application includes the valuation for the selected real estate property. Applicants submit that new Claim 16 meets the requirements of 35 U.S.C. § 112, second paragraph.

#### **Claim Rejections Under 35 U.S.C. § 103**

In the Office Action, the Examiner rejected Claim 1 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,414,621 to Hough (hereinafter Hough) in view of U.S. Patent No. 6,115,694 to Cheetham et al. (hereinafter Cheetham). Further, the Examiner rejected Claims 4-10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hough in view of Cheetham and further in view of Official Notice. Applicants respectfully traverse those rejections.

#### **A. Independent Claim 1**

The Examiner relied on Hough and Cheetham in rejecting independent Claim 1. Applicants submit that none of the documents cited by the Examiner, either alone or in combination, describe, teach, or suggest at least the feature of multiple client computers operable to access the valuation program module operating on the property management services server to input predetermined information about the selected real estate property in support of a valuation calculation for the selected real estate property, as presently recited in independent Claim 1.

#### **The Hough Reference**

Hough describes a system and method for determining comparative values of comparable properties based on assessment percentages and sales data of the comparable properties to ultimately determine a value for a subject property. The system downloads property data from a multiple listing computer database 18 or receives input of property data from the user via the

user station 100; identifies comparable property; computes a comparable value; and prints a final report. Hough teaches a system wherein the assessment data and property data for valuing a single property is downloaded from a multiple listing computer database 18 (See col. 4, lines 34-35) or input by *a single user* via the user station 100 (See col. 4, lines 62-64). To calculate the valuation for the subject property, the user obtains calculation time on a comparative computation unit 14. Other users (or user stations 100) cannot input information for valuing the subject property, even though multiple user stations 100 can access the comparative computation unit 14. Other users can input information for valuing a different property. Accordingly, Applicants submit that Hough teaches only a single user station 100 that can input information for valuing a subject property. Applicants submit that Hough fails to teach or suggest at least the feature of multiple client computers operable to access the valuation program module operating on the property management services server to input predetermined information about the selected real estate property in support of a valuation calculation for the selected real estate property, as presently recited in independent Claim 1.

### **The Cheetham Reference**

Applicants further submit that Cheetham also fails to teach or suggest the feature discussed above. In the Office Action, the Examiner relied on Cheetham as allegedly teaching that the server calculates the valuation for the selected real estate property.

### **Summary of the Analysis for Independent Claim 1**

In light of the differences between independent Claim 1 and the Hough and Cheetham references, Applicants submit that Hough and Cheetham, either alone or in combination, fail to teach or suggest at least the feature discussed above. Applicants further submit that none of the other documents or Official Notice cited by the Examiner, either alone or in combination, teach or suggest at least that feature. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of Claim 1.

**Dependent Claim 2**

Dependent Claim 2 further defines the multiple client computers that can input predetermined information about the selected real estate property in support of a valuation calculation for the selected real estate property. Accordingly, Applicants submit that Claim 2 further defines the claimed invention over the documents cited by the Examiner.

**B. Independent Claim 8**

The Examiner relied on Official Notice, in addition to the combination of Hough and Cheetham, to reject independent Claim 8. Independent Claim 8 includes a feature similar to the feature discussed in detail above with reference to independent Claim 1. Specifically, independent Claim 8 recites entering property details into a program module via a first client computer, entering capital expenses, mortgage details, and investment details for the property into the program module via a second client computer, and determining a value for the property based on the data input via the multiple client computers. Accordingly, Claim 8 recites specific data input by multiple computers to determine a value for the property. Again, Hough teaches only a single user station 100 that can input data related to a single property to determine a value of that property and does not teach multiple user stations 100 that can input data related to a single property to determine a value of that property. Thus, Applicants submit that Hough, Cheetham, and the Examiner's Official Notice, either alone or in combination, fail to teach or suggest at least the specific data for the property entered by multiple client computers to determine a value of the property, as presently recited in independent Claim 8.

**New Dependent Claim 12**

New dependent Claim 12 further defines the multiple client computers that can input information about the property and upon which a value of the property is determined. Accordingly, Applicants submit that Claim 12 further defines the claimed invention over the documents cited by the Examiner.

**C. New Independent Claim 17**

New independent Claim 17 recites features similar to the features of Claims 1 and 8 discussed above. Accordingly, Applicants submit that new independent Claim 17 also is patentable over the documents and Official Notice of record for similar reasons. Additionally, Claim 17 further defines that the valuation report and the comparables data for the selected real estate property can be presented via a plurality of the client computers, thereby further distinguishing the claimed invention from the cited documents. Applicants submit that none of the documents and Official Notice cited by the Examiner, either alone or in combination, teach or suggest at least that additional feature recited in independent Claim 17.

**D. New Independent Claim 21**

New independent Claim 21 recites features similar to the features of independent Claims 1 and 8 discussed above, including the specific client computers discussed above with reference to dependent Claims 2 and 12. Accordingly, Applicants submit that new independent Claim 21 also is patentable over the documents and Official Notice of record for similar reasons.

**E. Official Notice**

In the Office Action, the Examiner took Official Notice of several features recited in Applicants' claims. Applicants respectfully traverse each of those rejections. Applicants have not addressed herein each case in which the Examiner took Official Notice because Applicants submit that the features discussed herein are sufficient to distinguish the claimed invention from the documents cited by the Examiner. Applicants reserve the right to refute the Examiner's Official Notice claims in future correspondence and have not acquiesced to those rejections.

**Summary**

For the reasons stated above, Applicants submit that independent Claims 1, 8, 17, and 21 are patentable over the documents cited by the Examiner. Additionally, the remaining claims depend from one of the independent claims either directly or indirectly and are submitted to be patentable for similar reasons. The dependent claims also recite additional features further

defining the present invention over the cited documents, and Applicants submit that the cited documents do not teach or suggest integrating those features into the presently claimed invention. Accordingly, Applicants requests separate and individual consideration of each dependent claim. Applicants have discussed only a few of the dependent claim features in detail herein.

**Information Disclosure Statement (“IDS”)**

The Examiner did not return initialed and signed copies of Applicant's IDS submitted on May 14, 2001. Applicant timely filed that information disclosure statement prior to the first Office Action discussed herein. Accordingly, Applicant requests that the Examiner consider each of the documents cited in the IDS and return an executed copy of the IDS, indicating the Examiner's consideration of those documents. For the Examiner's convenience, Applicants have enclosed herewith a copy of the IDS.

**CONCLUSION**

Applicants submit the foregoing as a full and complete response to the Office Action dated March 28, 2005. Applicants submit that this Amendment and Response places the application in condition for allowance and respectfully requests such action. If any issues exist that can be resolved with an Examiner's Amendment or a telephone conference, please contact Applicants' undersigned attorney at 404.572.2809.

Respectfully submitted,



William O. Isaacs, II  
Reg. No. 44,165

King & Spalding LLP  
45<sup>th</sup> Floor  
191 Peachtree Street, N.E.  
Atlanta, Georgia 30303  
404.572.4600

The U.S.P.T.O official mailroom stamp affixed hereto acknowledges receipt of the items listed below.

Applicant Rieger et al

Serial No. 09/766,779

Title Method and System for Property Valuation in an  
On-Line Computing Environment



Papers Submitted: Information Disclosure Statement - 1 page; PTO 1449 - 1 page.

Attorney W. Scott Petty *WSP*  
Date Mailed 5/14/2001  
Docket 21300.105004

DOCKET NO 105004 GEC  
ATTORNEY LKN (WSP) *Jo*  
DUE DATE None  
DATE DOCKETED 5/24/01

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

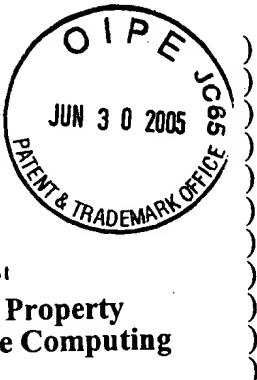
In re Application of:

Robert Rieger, et al.

Serial No.: 09/766,779

Filed: May 14, 2001  
Trans. 22, 2001

For: Method and System for Property  
Valuation in an On-Line Computing  
Environment



INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents  
Washington, DC 20231

Sir:

The citation of information on the attached Form PTO-1449, "List of Art Cited by Applicant" is made pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98. A copy of each cited item is enclosed.

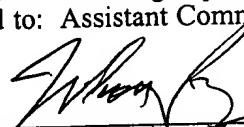
The citation of this information does not constitute an admission of priority or that any cited item is available as a reference, or a waiver of any right the applicant may have under applicable statutes, Rules of Practice in patent cases, or otherwise.

Respectfully submitted,

  
W. Scott Petty  
Reg. No. 35,645

King & Spalding  
45<sup>th</sup> Floor, 191 Peachtree Street, N.E.  
Atlanta, GA 30303  
404.572.4600  
K&S Docket: 05456.105002  
21300.105004

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231, on May 14, 2001.

  
W. Scott Petty, Reg. No. 35,645

## LIST OF INFORMATION DISCLOSED BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO. 21300.105004		SERIAL NO. 09/766,779	FILING DATE May 14, 2001			
APPLICANT Robert Rieger, et al.		GROUP				
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		JUN 30 2005 PATENT & TRADEMARK OFFICE USPTO				
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	NAME	TRANSLATION YES NO	
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)						
AA	PropertyFirst - Home Page- <a href="http://www.propertyfirst.com/main.asp">www.propertyfirst.com/main.asp</a> - 5/9/01					
AB	PropertyFirst - Search for Sale - <a href="http://www.propertyfirst.com/search/page1.asp?imgtype=forsale">www.propertyfirst.com/search/page1.asp?imgtype=forsale</a> - 5/9/01					
AC	PropertyFirst - Search for Lease - <a href="http://www.pfcweb02.propertyfirst.com/wf11/new_search_step1.asp">www.pfcweb02.propertyfirst.com/wf11/new_search_step1.asp</a> - 5/9/01					
AD	<a href="http://www.propertyfirst.com/directory/directory.asp?imgtype=directory&amp;membertype=2">PropertyFirst - Commercial Real Estate Broker Search - www.propertyfirst.com/directory/directory.asp?imgtype=directory&amp;membertype=2</a> - 5/9/01					
AE	<a href="http://www.propertyfirst.com/aboutus/aboutus.asp">PropertyFirst - About Us - www.propertyfirst.com/aboutus/aboutus.asp</a> - 5/9/01					
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AH	<a href="http://www.storetrax.com/stx/aboutus.jsp">Storetrax - About Us - About Storetrax - www.storetrax.com/stx/aboutus.jsp</a> - 5/9/01					
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AK	<a href="http://www.storetrax.com/forum">Storetrax - Forum - Forum List - www.storetrax.com/forum</a> - 5/9/01					
EXAMINER		DATE CONSIDERED				
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						